

Amendments to House Bill No. 193
1st Reading Copy

Requested by Representative Shannon Augare

For the House State Administration Committee

Prepared by Sheri Heffelfinger
January 27, 2009 (8:27am)

1. Title, page 1, line 4.

Following: "OF THE"

Insert: "STATE"

2. Title, page 1, line 5.

Following: "TO"

Insert: "STATE"

Following: "SECTIONS"

Insert: "2-15-102,"

3. Page 1, line 10.

Insert: "Section 1. Section 2-15-102, MCA, is amended to read:

"2-15-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Advisory capacity" means furnishing advice, gathering information, making recommendations, and performing other activities that may be necessary to comply with federal funding requirements and does not mean administering a program or function or setting policy.

(2) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive branch of state government.

(3) "Data" means any information stored on information technology resources.

(4) "Department" means a principal functional and administrative entity that:

(a) is created by this chapter within the executive branch of state government;

(b) is one of the 20 principal departments permitted under the constitution; and

(c) includes its units.

(5) "Department head" means a director, commission, board, commissioner, or constitutional officer in charge of a department created by this chapter.

(6) (a) "Director" means a department head specifically referred to as a director in this chapter and does not mean a commission, board, commissioner, or constitutional officer.

(b) The term does not include the state director of Indian affairs provided for in 2-15-217.

(7) "Executive branch" means the executive branch of state government referred to in Article III, section 1, and Article VI of the Montana constitution.

(8) "Function" means a duty, power, or program, exercised by or assigned to an agency, whether or not specifically provided for by law.

(9) "Information technology resources" means hardware, software, and associated services and infrastructure used to store or transmit information in any form, including voice, video, and electronic data.

(10) "Quasi-judicial function" means an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies. The term includes but is not limited to the functions of:

(a) interpreting, applying, and enforcing existing rules and laws;

(b) granting or denying privileges, rights, or benefits;

(c) issuing, suspending, or revoking licenses, permits, and certificates;

(d) determining rights and interests of adverse parties;

(e) evaluating and passing on facts;

(f) awarding compensation;

(g) fixing prices;

(h) ordering action or abatement of action;

(i) adopting procedural rules;

(j) holding hearings; and

(k) any other act necessary to the performance of a quasi-judicial function.

(11) "Quasi-legislative function" generally means making or having the power to make rules or set rates and all other acts connected with or essential to the proper exercise of a quasi-legislative function.

(12) "Unit" means an internal subdivision of an agency, created by law or by administrative action, including a division, bureau, section, or department, and an agency allocated to a department for administrative purposes only by this chapter."

{ Internal References to 2-15-102:

x2-2-102	x2-15-122	x2-15-1021	x2-17-415
x2-17-602	x2-18-1105	x3-2-605	x10-1-1018
x20-25-301	x23-2-536	x39-30-103	x53-1-704
x87-4-432	x90-1-406	}"	

Renumber: subsequent sections

4. Page 2, line 5.

Following: "coordinator"

Insert: "state"

5. Page 5, line 30.

Following: "coordinator's"

Insert: "state"

- END -